



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board for Asbestos, Lead, Mold, and Home Inspectors
Virginia Administrative Code (VAC) citation	18 VAC 15-40
Regulation title	Virginia Board for Asbestos, Lead, Mold, and Home Inspectors Certified Home Inspector Regulations
Document preparation date	November 21, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Code of Virginia § 54.1-501 gives authority to the Board for Asbestos, Lead, Mold, and Home Inspectors (Board) to promulgate regulations.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapter 5 of Title 54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board's statutory requirements are executed in the least burdensome, most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No comments were received during the public comment period following publication of the Notice of Periodic Review. An informal advisory group was not formed for purposes of assisting in the period review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria set forth in Executive Order 14 (2010). The regulation establishes the minimum education, examination and experience requirements to become a Virginia certified home inspector. The regulation is clearly written and understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been

evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

Section 54.1-501 mandates the Board to promulgate regulations and standards for the training and licensing of certified home inspectors. Therefore, the continued need for the regulation is established in statute. The regulation is necessary to protect public health, safety and welfare and ensure that individuals licensed as certified home inspectors in Virginia have met minimum competencies. Since no complaints or comments were received during the public comment period, there does not appear to be a reason to amend or repeal the regulation. The regulation is clearly written and easily understandable. The regulation does not overlap, duplicate or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2007 which resulted in amendments to the regulation. Those amendments were to the definitions, the qualifications for certification, the certified home inspection contract provisions, the certified home inspection report provisions, the conflict of interest provisions, and the unworthiness and incompetence provisions. A continuing professional education requirement is added. Several sections were amended to conform to DPOR's Model Regulations and had no substantive impact. In addition, a fast-track amendment is currently undergoing Executive Branch Review. The fast-track amendment removes the requirement that training courses have to be taken in a classroom setting to be accepted as meeting the Certified Home Inspector entry requirements. The current regulations allow Continuing Professional Education to be taken outside of a classroom setting, such as online courses, and this amendment will make the regulations regarding pre-certification training and continuing professional education requirements to be more consistent with each other. The Board discussed and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in their current form.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

No impact on the institution of the family and family stability has been identified.